IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date:- 04.04.2007

Coram

The Honourable Mr. Justice P. SATHASIVAM

and

The Honourable Mr. Justice S. TAMILVANAN

W.A. No.3258 of 2004

and

W.A.M.P. No.6143 of 2004

1. The Deputy Commissioner,
   Civil Supplies and Consumer
   Protection Department,
   City (South)
   Periyar Thidal, Vepery,
   Chennai - 600 007.

2. The Assistant Commissioner,
   Civil Supplies and Consumer
   Protection Department,
   Tambaram Zone,
   Chennai - 600 045.

3. The Inspector of Police,
   Civil Supplies CID,
   51, Soundaraya Colony,
   Thirumangalam,
   Chennai - 600 101. ... Appellants

..Vs..

Vaghini Oil Agency,
rep. by its Partner,
B. Saraswathy
4/301, Old Mahabalipuram Road,
Kottivakkam, Chennai 96. ... Respondent

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Appeal to set aside the order dated 30.12.2002 passed in W.P. No.46662 of 2002 on the file of this Court.

Writ Petition filed under Article 226 of the Constitution of India the issuance of writ of declaration or any other appropriate writ order direction in the nature of a writ declaring that the provisions of Tamil Nadu kerosene (Regulation of Trade) order 1973 and the Kerosene (restriction on use and fixation of celling price) order 1993 are not applicable to the petitioner dealing in white kerosene under parallel marketing system and pass such further or other orders as it may deem fit.

For Appellant : Mr. P. Subramanian,
Govt. Advocate

For Respondents : N.A.

JUDGMENT

(Judgment was delivered by P. SATHASIVAM, J.)

The above writ appeal is directed against the order of the learned Single Judge dated 30.12.2002 made in W.P. No.46662 of 2002, in and by which, the learned Judge allowed the writ petition as prayed for.

2. Heard the learned counsel appearing for the appellants. The respondent, though duly served notice from this Court, is not contesting the appeal, by engaging a counsel.

3. It is not in dispute that the learned Judge, based on a decision reported in the case of V. KATHIRVELU AND ANOTHER v. GOVERNMENT OF TAMIL NADU AND ETC. (2001 WRIT LAW REPORTER 208), allowed the writ petition. Learned Government Advocate fairly admits that the writ appeal filed against the said decision viz. 2001 Writ Law Reporter 208 also dismissed by the Division Bench on 15.3.2007 in Writ Appeal Nos.2917 and 2918 of 2002.

4. In view of the fact that the order passed in 2001 Writ Law Reporter 208 is confirmed by the Division Bench and the fact that no amendment has been made so far in the Rule covering dealers dealing in white kerosene under Parallel Marketing System, we are of the view that the order of the learned Single Judge, which is

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impugned, cannot be faulted. Accordingly, the writ appeal fails and the same is dismissed. Consequently, the connected W.A.M.P. is closed. No costs.

ssa.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

The Government Pleader,
High Court, Madras
SR.No.21665

W.A. No.3258 of 2004 and
connected W.A.M.P.

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